

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2559

AN ACT

AMENDING SECTION 8-223, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-225; AMENDING LAWS 2003, SECOND SPECIAL SESSION, CHAPTER 6, SECTION 45; RELATING TO JUVENILE HEARINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-223, Arizona Revised Statutes, is amended to
3 read:

4 8-223. Jury trials; change of judge

5 A. A hearing to terminate parental rights that is held pursuant to
6 section 8-537 or 8-863 shall be tried to a jury if a jury is requested by a
7 parent, guardian or custodian whose rights are sought to be terminated. IF A
8 PARENT, GUARDIAN OR CUSTODIAN REQUESTS THE MATTER TO BE TRIED TO A JURY, THE
9 PARENT, GUARDIAN OR CUSTODIAN SHALL SUBMIT A JURY BOND IN THE AMOUNT OF FIVE
10 HUNDRED DOLLARS TO THE COURT TO OFFSET ADDITIONAL COSTS ASSOCIATED WITH
11 IMPANELING A JURY. THE JURY BOND REQUIREMENT MAY BE WAIVED BY THE COURT FOR
12 INDIGENCY OR GOOD CAUSE.

13 B. IN ANY COUNTY WITH A POPULATION OF AT LEAST FIVE HUNDRED THOUSAND
14 PERSONS, THE PARENT, GUARDIAN OR CUSTODIAN WHOSE RIGHTS ARE SOUGHT TO BE
15 TERMINATED MAY REQUEST A CHANGE OF JUDGE IF THAT PERSON DID NOT REQUEST A
16 JURY TRIAL AND THE JUDGE ASSIGNED TO THE CASE IS THE SAME JUDGE WHO HEARD THE
17 DEPENDENCY CASE. THE COURT SHALL NOT GRANT MORE THAN ONE REQUEST PURSUANT TO
18 THIS SUBSECTION.

19 Sec. 2. Title 8, chapter 2, article 2, Arizona Revised Statutes, is
20 amended by adding section 8-225, to read:

21 8-225. Parental rights; hearings; decision

22 A. THE COURT MUST ISSUE A DECISION WITHIN THIRTY DAYS AFTER IT HOLDS A
23 HEARING TO TERMINATE PARENTAL RIGHTS PURSUANT TO SECTION 8-537 OR 8-863.

24 B. IF THE COURT DOES NOT TERMINATE PARENTAL RIGHTS, ANOTHER ACTION TO
25 TERMINATE PARENTAL RIGHTS SHALL NOT BE BROUGHT PURSUANT TO SECTION 8-537 OR
26 8-863 WITHIN TWELVE MONTHS AFTER THE COURT ISSUES ITS DECISION.

27 Sec. 3. Laws 2003, second special session, chapter 6, section 45 is
28 amended to read:

29 Sec. 45. Delayed repeal

30 Section 8-223, Arizona Revised Statutes, as added by this act, is
31 repealed from and after December 31, ~~2006~~ 2009.

32 Sec. 4. Effective dates

33 A. Notwithstanding Laws 2003, second special session, chapter 6,
34 section 10, section 8-537, Arizona Revised Statutes, as amended by Laws 2003,
35 second special session, chapter 6, section 10, is effective from and after
36 December 31, 2009.

37 B. Notwithstanding Laws 2003, second special session, chapter 6,
38 section 33, section 8-863, Arizona Revised Statutes, as amended by Laws 2003,
39 second special session, chapter 6, section 33, is effective from and after
40 December 31, 2009.